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7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MARC DAVIS,

15 Defendant.  
16

Case No. 1:21-cr-00206-ADA-BAM

**STIPULATION TO VACATE STATUS  
CONFERENCE AND SET MOTION  
BRIEFING SCHEDULE; ORDER**

Date: March 6, 2023

Time: 10:00 a.m.

Judge: Hon. Ana de Alba

17 IT IS HEREBY STIPULATED by and between the parties through their respective  
18 counsel, Assistant United States Attorney Kimberly Sanchez, counsel for plaintiff, and Assistant  
19 Federal Defender Erin Snider, counsel for Marc Davis, that the Court may vacate the status  
20 conference currently scheduled for December 14, 2022, at 1:00 p.m. and set the following  
21 motion briefing schedule: motions due January 9, 2023; opposition due February 6, 2023; reply  
22 due February 20, 2023; motion hearing on March 6, 2023, at 10:00 a.m.

23 The parties agree and request that the Court make the following findings:

24 1. By previous order, this matter was set for a status conference on December 14,  
25 2022, at 1:00 p.m.

26 2. Undersigned defense counsel entered a notice of appearance on November 21,  
27 2022, following prior defense counsel's departure from the Office of the Federal Defender.

28 3. Defense counsel intends to file a motion to dismiss and requires time to research

1 and draft the motion.

2 4. Defense counsel believes that failure to grant the above-requested continuance  
3 would deny her the reasonable time necessary for effective preparation, taking into account the  
4 exercise of due diligence.

5 5. The government does not object to the continuance and motion briefing schedule.

6 6. Based on the above-stated findings, the ends of justice served by continuing the  
7 case as requested outweigh the interest of the public and the defendant in a trial within the  
8 original date prescribed by the Speedy Trial Act.

9 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
10 *et seq.*, within which trial must commence, the time period of December 14, 2022, to March 6,  
11 2023, inclusive, is excludable pursuant to 18 U.S. C. § 3161(h)(1)(D) and 3161(h)(7)(A) and  
12 (B)(iv).

13 **IT IS SO STIPULATED.**

14 Respectfully submitted,

15  
16 PHILLIP A. TALBERT  
United States Attorney

17 Date: December 7, 2022

/s/ Kimberly Sanchez  
18 KIMBERLY SANCHEZ  
Assistant United States Attorney  
19 Attorney for Plaintiff

20 HEATHER E. WILLIAMS  
21 Federal Defender

22 Date: December 7, 2022

/s/ Erin Snider  
23 ERIN SNIDER  
Assistant Federal Defender  
24 Attorney for Defendant  
MARC DAVIS

**ORDER**

IT IS SO ORDERED. The status conference currently scheduled for December 14, 2022, at 1:00 p.m. is hereby vacated. The defense shall file any motions by January 9, 2023; the government shall file its opposition by February 6, 2023; and the defense may file a reply by February 20, 2023. **A motion hearing is set for March 6, 2023, at 10:00 a.m. before District Judge Ana de Alba.** The time period of December 14, 2022, to March 6, 2023, inclusive, is excludable pursuant to 18 U.S.C § 3161(h)(1)(D) and 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: December 7, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE